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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

APR 23 1993

In the Matter of:

Implementation of Section
4(g) of the Cable Television
Consumer Protection and
Competition Act of 1992

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MM Docket No. 93-8

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

JOINT REPLY COMMENTS
AND
REQUEST FOR EXPEDITED CONSIDERATION

Blackstar Communications, Inc., Jovon Broadcasting Corporation and Roberts Broadcasting Company ("the Joint Parties") submit these Joint Reply Comments in the above-captioned proceeding. The Joint Parties are licensees of full power television stations that are affiliated with the Home Shopping Network, Inc. ("HSN"). The Joint Parties request that the Commission complete its determination under Section 4(a) of

be filled. This will effectively deprive the Joint Parties of the right to be in the pool of eligible Must Carry stations even if the Commission finds that they are operating in the public interest. Further, the Commission should act by June 2 to avoid unnecessary confusion for cable subscribers and to save cable systems unnecessary added expense. This confusion and expense would result if the Commission decided on July 3 that the shopping formatted stations are operating in the public interest and Must Carry channels were still available. It makes no sense for cable systems to realign their channel allocations and inform their subscribers of the changes in June only to have to repeat the process in July.

It is also important for the Commission to act promptly to avoid harming the fragile progress of minority ownership of television stations. The March comments of each of the Joint Parties as well as the comments of Silver King Communications, Inc. detail the relationship of HSN affiliation to increased minority TV ownership. Suffice it to note that seven of the Nation's 19 Black-owned full power television stations are affiliated with HSN. Denial of Must Carry status for those stations will severely, perhaps fatally, impair their survival.

The Commission Has the Discretion to Act by June 2, 1993

The 270 day standard of Section 4(g) is not a floor; it is a ceiling. The legislative history of the Act demonstrates without question that the Commission has the discretion to complete this proceeding before July 3, 1993. During floor consideration of the Conference Report on the Act, Representatives Markey, Chairman of the House Energy and Commerce Subcommittee on Telecommunications and Finance, and Lent, Ranking Republican on the House Energy and Commerce Subcommittee, engaged in the following very pointed colloquy concerning the timing of the Commission's Section 4(g) determination:

Rep. LENT. ... I would also like to ask about the effect of the 270-day deadline established in the conference report. It is my understanding that the new provision means that the FCC can decide this issue, assuming it meets the public comment requirement, whenever it feels it has completed its analysis as long as it does not take more than 270 days for the process. In other words, it can complete its proceeding in a much shorter period of time if

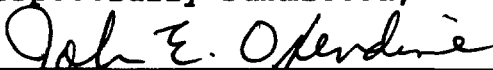
LENT] and the gentleman's . . . interpretations are correct.

138 CONG. REC. H8683 (daily ed. September 17, 1992). Based on the unambiguous language of the colloquy, the Joint Parties submit that it is within the Commission's authority and discretion to complete this proceeding before June 2, 1993. Indeed, it appears that Congress expected Commission action before July 3, 1993.

Conclusion

The Commission should exercise its discretion to complete this proceeding as far in advance as June 2, 1993 as possible to avoid confusion for cable subscribers, unnecessary expense for cable systems and a devastating impact on minority-owned television stations.

Respectfully Submitted,


BLACKSTAR COMMUNICATIONS, INC.
John E. Oxendine
President and Controlling
Shareholder

JOVON BROADCASTING CORPORATION
Joseph A. Stroud
President

Roberts Broadcasting Company
Steven C. Roberts
President and General Manager

April 23, 1993

LENT] and the gentleman's . . . interpretations are correct.

138 CONG. REC. H8623 (daily ed. September 17, 1992). Based on the unambiguous language of the colloquy, the Joint Parties submit that it is within the Commission's authority and discretion to complete this proceeding before June 2, 1993. Indeed, it appears that Congress expected Commission action before July 3, 1993.

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